2010-08

Michael Higgins <mhiggins@LapeerCounty.org> 12/16/2010 1:07 PM >>>

Hello Bruce,

Would you please pass along my thoughts as to case timelines to the Supreme Court. I believe that rule changes as to those timelines are under consideration at this time.

As a Family Court judge and previously a domestic relations attorney in private practice, I can tell you that most litigants want their divorce and custody cases to move forward as rapidly as possible. Many even complain about the statutory waiting period. I find that most marriages are over before the divorce is filed and reconciliations are rare. Requests for longer timelines usually come from attorneys who cannot manage their files or prefer to extend the litigation for other reasons. Most of our divorce cases are not complicated. Those that are complex and require more discovery and protracted litigation can be identified at a pretrial conference or hearing and placed on a slower docket without greatly affecting the timelines.

I also share the criminal docket and realize that these dockets vary depending on the size of the county. Simply extending the timelines could extend pretrial incarceration which leads to jail overcrowding. Perhaps the court rule should provide shorter timelines in cases where the defendant is in custody and relax the timelines for defendants on bond.

In our County, many criminal cases are delayed due to frequent adjournments in district court. Consequently the cases take far too long to get to a preliminary exam. I would like to see separate timelines; one for arraignment to bindover and then another timeline for circuit court arraignment to disposition.

As you know, there are very few criminal cases that need to go to trial. Most will end in a plea if scheduled properly. Trial judges should be able to identify those cases with legitimate issues and place them on a slower docket without significantly running afoul of the timelines.

Let me know if I should direct these comments to someone else.

Happy Holidays, Judge Higgins